

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Hearing Date: Dec. 16, 2015

Response Date: Dec. 8, 2015

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

STANLEY I. LEHRER, in his capacity as
administrator of the Stanley I. Lehrer and Stuart
M. Stein, J/T WROS; STUART M. STEIN,
individually, and in his capacity as administrator
of the Stanley I. Lehrer and Stuart M. Stein, J/T
WROS; ARTHUR SISKIND; LINDA SOHN;
NEAL GOLDMAN; DOUGLAS ELLENOFF;
ELAINE STEIN ROBERTS; NEUBERGER
BERMAN LLC, as former custodian of an
Individual Retirement Account for the benefit of
ELAINE STEIN ROBERTS; ARTHUR J.
FEIBUS; EUNICE CHERVONY LEHRER; NTC
& CO. LLP, as former custodian of an Individual
Retirement Account for the benefit of EUNICE
CHERVONY; ELAINE S. STEIN; ELAINE S.
STEIN REVOCABLE TRUST; JAMAT
COMPANY, LLC; THE MESTRO COMPANY;
TRUST U/W/O DAVID L. FISHER; TRUST
U/T/A 8/20/90; and EVELYN FISHER,
individually, and in her capacity as Trustee for
TRUST U/W/O DAVID L. FISHER and TRUST
U/T/A 8/20/90,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05259 (SMB)

**NOTICE OF MOTION
PURSUANT TO FED. R. CIV. P.
12(c) & FED. R. BANKR. P. 7012
FOR JUDGMENT ON THE
PLEADINGS**

PLEASE TAKE NOTICE that Defendants Neal M. Goldman (“Goldman”), Linda Sohn (“Sohn”), Trust U/W/O David L. Fisher, Trust U/T/A 8/20/90, and Evelyn Fisher, individually and in her capacity as Trustee for Trust U/W/O David L. Fisher and Trust U/T/A 8/20/90 (the “Fisher Defendants,” and together with Goldman and Sohn, “Defendants”), will move this Court before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Custom House, One Bowling Green, Courtroom 723, New York, New York 10004-1408, at a hearing on **December 16, 2015, at 10:00 a.m.**, for an Order dismissing the Amended Complaint in this adversary proceeding pursuant to Fed. R. Civ. P. Rule 12(c) (made applicable by Fed. R. Bankr. P. 7012).

The instant motion is based upon accompanying Memorandum of Law and the Declaration of Terence W. McCormick, and all the exhibits annexed thereto, all pleadings and papers filed in these proceedings, including the Omnibus Decision of this Court dated June 2, 2015 [ECF Doc. 138], and the Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss, entered on July 16, 2015 [ECF Doc. 143], and any other matters that may properly come before the Court in connection with this motion.

Dated: New York, New York
October 9, 2015

MINTZ & GOLD LLP

/s/ Terence W. McCormick
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Neal M. Goldman, Linda Sohn and
the Fisher Defendants